

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

Paul Harris Sweat,

Petitioner,

v.

Warden of Lieber Correctional Institution,

Respondent.

C/A No.: 8:23-cv-04478-SAL-JDA

ORDER

This matter is before the court for review of the October 11, 2023, Report and Recommendation of then United States Magistrate Judge Jacquelyn D. Austin,¹ made in accordance with 28 U.S.C. § 636(b)(1)(b) and Local Civil Rule 73.02(B)(2) (D.S.C.). [ECF No. 13.]. In the Report, the magistrate judge recommends the court summarily dismiss this case without requiring the Respondent to file an answer or return. Attached to the Report was a notice advising Sweat of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. *Id.* at 14. Sweat has not filed objections, and the time for doing so has expired.

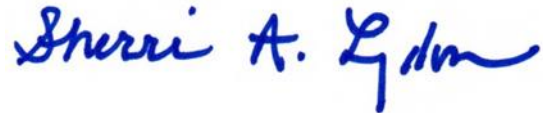
The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The court is charged with making a *de novo* determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1).

¹ Judge Austin is now a district judge.

In the absence of objections, the court is not required to provide an explanation for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

Having thoroughly reviewed the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 13, and incorporates the Report by reference herein. This case is thus **DISMISSED WITHOUT REQUIRING THE RESPONDENT TO FILE AN ANSWER OR RETURN.**

IT IS SO ORDERED.



March 15, 2024
Columbia, South Carolina

Sherri A. Lydon
United States District Judge